



OVERSEAS DEFENCE DETERMINATION 1995/2

DETERMINATION UNDER THE DEFENCE ACT 1903

I, MERYL ANNETTE STANTON, First Assistant Secretary, Government Authorities and Defence Division, Department of Industrial Relations, acting under a delegation made by the Minister for Industrial Relations under Defence Force Regulation 72A, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 10 January 1995

M. STANTON
First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

1. Citation

1.1 This Determination may be cited as Overseas Defence Determination 1995/2.

2. Commencement

2.1 This Determination is to be taken to have commenced on 5 January 1995.

3. Transitional - member on long-term posting in Cambodia

3.1 In this clause, "relevant Public Service determination" has the same meaning as in Overseas Defence Determination 1992/55.

3.2 In spite of the repeal of clauses 4.11.10 and 5.2.10 of the relevant Public Service determination, a member who is on long-term posting in Cambodia on 5 January 1995, or who was notified of such a posting before that day, is entitled to be reimbursed for the cost of travel under clause 4.11.10 during that posting, and clause 5.2.10 also applies to the member during that posting.

EXPLANATORY MEMORANDUM

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Defence Act 1903

Overseas Defence Determinations 1992/55 and 1994/51 respectively authorise reimbursement for reunion travel and assisted leave travel for Australian Defence Force (ADF) members on long-term posting overseas. These entitlements operate by reference to the equivalent provisions for officers of the Australian Public Service (APS) in Public Service (PS) Determination 1994/162 ("the relevant PS determination").

Clauses 4.11.10 and 5.2.10 of the relevant PS determination formerly authorised certain special features of reunion travel and assisted leave travel entitlements for APS officers on long-term posting in Cambodia. Both clauses were repealed by PS Determination 1995/100 of 5 January 1994. That Determination included a transitional provision to preserve the application of the clauses to APS officers currently on posting or under notice of posting to Cambodia.

As the transitional provision is not included in the relevant PS determination, it does not apply to ADF members through the normal 'by reference' operation of Overseas Defence Determinations 1992/55 and 1994/51. This Determination therefore applies the same transitional arrangements, from the same date, to ADF members who are in the same circumstances as eligible APS officers.

The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

Authority: Section 58B of the
Defence Act 1903